



## ***Frequently Asked Questions About Critical Habitat & the Peninsular Bighorn Sheep***

### ***Q. What is the Peninsular bighorn sheep?***

The Peninsular Ranges population of bighorn sheep (*Ovis canadensis*) is a large mammal found along the open slopes of the Peninsular Mountain Ranges from the San Jacinto Mountains, California, south into the Volcan Tres Virgenes Mountains near Santa Rosalia, Baja California, Mexico. Bighorn live in hot and dry desert regions where the land is rough and rocky, sparsely vegetated, and characterized by steep slopes, canyons, and washes. Their entire range extends along approximately 500 miles of contiguous habitat.

The Peninsular bighorn sheep populations in the United States have declined from approximately 1,170 individuals in 1971 to only 335 individuals in 1999. The adverse effects of disease, low lamb survival, habitat loss, predation, urban development, and habitat fragmentation are continuing to endanger the continued existence of this species. These adverse effects are intensified where urban development has reduced and fragmented suitable habitat. The Peninsular bighorn sheep was listed as endangered under the Federal Endangered Species Act (Act) on March 18, 1998.

### ***Q. Why is the Peninsular bighorn sheep important?***

In addition to having ecological and scientific value, the Peninsular bighorn sheep represents one of many animals that are endemic to the vanishing plant and animal communities of southern California and, as such, is a part of our diminishing natural heritage. The Peninsular bighorn sheep is native to the desert slopes of the Peninsular Mountain Ranges of southern California, and is important culturally to Native Americans, as well as corporate and civic economic interests.

### ***Q. What is critical habitat?***

Critical habitat is defined as specific occupied and unoccupied areas that have been found to be essential to the conservation of a federally listed species, and which may require special management considerations or protection.



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Critical habitat is identified using the best available scientific and commercial information about the physical and biological needs of the species. These needs include:

- Ž space for individual and population growth, and for normal behavior.
- Ž food, water, light, air, minerals or other nutritional or physiological needs.
- Ž cover or shelter.
- Ž sites for breeding, reproduction, and rearing of offspring.
- Ž habitat that is protected from disturbance or is representative of the historical geographic and ecological distribution of a species.

***Q. Does the designation of critical habitat create preserves?***

No. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands and will not result in closure of the area to all access or use.

***Q. What happens if my private property is designated critical habitat for the Peninsular bighorn sheep?***

The designation of critical habitat on privately owned land does not mean the government would like to acquire or control the land. Activities on private lands that do not require Federal permits, licenses, or funding are not affected by a critical habitat designation. Critical habitat does not require landowners to carry out any special management actions or restrict the use of their land. However, under other provisions of the Endangered Species Act, landowners must consult with the Service before taking actions on their property that could harm, harass or kill protected species. This includes destroying their habitat.

If a landowner needs a Federal permit or license, or receives Federal funds for a specific activity, the Federal agency would consult with the Service to determine how the action may affect the bighorn sheep or its designated critical habitat. Section 7 of the Act requires Federal agencies to consult with the Service on any activities they authorize, fund, or carry out which “may affect” a listed species, or its designated critical habitat. Through this consultation process, the Service and Federal agencies ensure that permitted actions do not change (adversely modify) critical habitat in such a way that it no longer can meet the physical and biological needs of the species. We also determine if actions are likely to jeopardize a listed species. Because of similarities in analysis standards we believe that projects which will not jeopardize a listed species will also not result in the adverse modification of critical habitat in areas occupied by the species. The requirement to consult with the Service applies to all lands that have been identified as critical habitat where Federal agencies, permits or funding are involved.



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***Q. How will a critical habitat designation for the Peninsular bighorn sheep affect recreation?***

Peninsular bighorn sheep are sensitive to human disturbance during critical periods, such as lambing. For example, hikers can detrimentally affect the survival and recovery of this animal when this activity is in close proximity to lambing areas. Additional impacts occur when human activity hinders the access of bighorn sheep to water during times of environmental stress (e.g., heat of summer). The California Department of Fish and Game (CDFG) and the Bureau of Land Management manage public access and trail systems, including the times during the summer water stress period. Designation of critical habitat would not affect on-going recreational activities beyond existing management responsibilities the agencies have to the species.

***Q. Is an economic analysis required as part of designating critical habitat?***

Yes. The Service must take into account the economic impact and other relevant impacts of identifying any particular area as critical habitat. Unless the failure to designate an area as critical habitat would result in the extinction of the species, we may exclude an area from critical habitat if we determine that the benefits (economic and otherwise) of excluding it outweigh the benefits of including it. This determination is based on the best scientific, economic, and commercial information available.

***Q. Is critical habitat designated for all listed species?***

No. Critical habitat has been designated for 116 of the 1,206 species currently listed as threatened and endangered under the Act. The Act requires us to identify critical habitat at the time a species is listed. However, in some cases, designating critical habitat may be considered “not prudent” if it would cause harm to the species, such as increasing the possibility of vandalism or collection or would not be beneficial to the species. We may find that such a designation is “not determinable” if we don’t have enough information when a species is listed to define areas as critical habitat. Recently, there have been a number of lawsuits based on our failure to designate critical habitat and, as a result, by October 1, 2000, we must reevaluate our previous decisions for 13 species in California for which we determined critical habitat was not prudent.

***Q. Why is critical habitat being proposed for the Peninsular bighorn sheep now?***

When we listed the Peninsular bighorn sheep as an endangered species, we determined that designating critical habitat was not prudent because such designation could increase the degree of threats to the species and would not provide any additional protection beyond existing regulatory mechanisms. Therefore, we did not believe the designation of critical habitat would benefit the species.

A lawsuit was filed against the Service challenging our prudence decision not to designate critical habitat for the





Peninsular bighorn sheep. On September 17, 1999, we entered into an agreement with the plaintiffs that stipulated we would release a draft recovery plan by December 31, 1999, make a proposed critical habitat determination by June 30, 2000, issue the final recovery plan by October 31, 2000, and make a final critical habitat determination December 31, 2000. We published the Draft Recovery Plan for the Peninsular Bighorn Sheep and notice of availability in the *Federal Register* on December 31, 1999.

***Q. Why is critical habitat for the Peninsular bighorn sheep now considered prudent?***

We have reconsidered our previous “not prudent” determination of the threats to disturbance of sensitive bighorn areas. Bighorn sheep distribution is not solely dependant on isolated habitat features, but requires an array of essential features that allow the species adapt to its environment. Bighorn sheep must range widely to locate and exploit to ever-changing sources of food, water, and shelter. Accordingly, our proposed critical habitat delineation does not rely on identifying specific sensitive areas, but instead uses a broad landscape approach which includes all of the essential habitat components within the historical range of the species.

We have also determined that the limited section 7 nexus for the majority of bighorn habitat is not a valid reason for a finding “not prudent”. In addition, after several discussions with the Army Corps of Engineers, we have determined that the section 7 nexus for jurisdictional waters of the United States are more extensive than previously understood. After reevaluating the threats to the species, we find that these risks to the bighorn sheep and its habitat do not outweigh the broader educational, potential regulatory, and other possible benefits that a designation of critical habitat would provide for this species.

***Q. Why can't the Peninsular bighorn sheep just be moved to another location so that development projects can proceed?***

The Peninsular bighorn sheep is distinct from other members of its species because it is uniquely adapted to the natural environment where it currently occurs. Not only would the Peninsular bighorn sheep likely be poorly-adapted to another location, but management of the remaining populations in the Peninsular Ranges could be compromised. Bighorn sheep translocation efforts in other areas typically have met with limited success, in part due to the species behavioral traits and vulnerability to transmitted diseases from livestock. In addition, virtually the entire range of the Peninsular bighorn sheep in the United States is now influenced and disturbed by human related uses.

***Q. Will captive breeding be necessary for the recovery of this species?***

Due to the continuing decline of the Peninsular bighorn sheep, continuation of an ongoing captive breeding program with the Bighorn Institute and the CDFG to augment the remaining population may be necessary to avoid the loss of genetic diversity. In addition to supplementing the remaining population, reducing the potential for disease outbreaks, and addressing predation, the key to long-term conservation of Peninsular bighorn sheep lies in the



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conservation of its natural habitat.

***Q. What about lands where regional HCPs are being developed or will be developed in the future?***

The proposed designation of critical habitat should not impede ongoing habitat conservation planning efforts in southern California. The long-term conservation of the bighorn sheep is being addressed as these plans are developed. During the comment period, the Service is particularly interested in comments from the public on how to address critical habitat within future HCPs.

***Q. What is the status of the Coachella Valley Multiple Species Habitat Conservation Plan?***

Currently, we are working with local governments and other Federal and State agencies to develop a Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP). The Coachella Valley MSHCP aims to preserve biodiversity by focusing on the needs of whole ecological systems and their range of inhabitants, rather than on individual species. The goal of the program is to conserve natural communities before their native species have declined to the point protection under the Federal and/or State endangered species acts is necessary. This approach marks a departure away from the traditional project-by-project review of impacts to sensitive species and toward a more comprehensive landscape-based effort to preserve species and their habitat. The Coachella Valley MSHCP enables local governments to use their land-use authority to implement conservation measures for sensitive species and their habitats. Moreover, the process provides for greater certainty in land development activities and further streamlines local, State, and Federal permitting processes.

In addition to providing protection for the bighorn sheep, the plan would also provide for the establishment of a preserve designed to conserve approximately 30 other rare plants and animals, including the endangered desert slender salamander, least Bell's vireo, southwestern arroyo toad, and many other Federal or State listed species. When the plan is completed and adopted, participating Federal, State, and local agencies will cooperate in implementing the conservation strategies outlined in the plan.

***Q. How will any final designation of critical habitat affect activities for which a party has already consulted with the Service under section 7 of the Act?***

Federal regulations require agencies to reinitiate consultation with the Service on previously reviewed actions if critical habitat is designated after the initial consultation and if those actions may affect critical habitat. This applies only if those agencies have retained some type of discretion or control over the action, or if such involvement is authorized by law.



***Q. What happens if a project is reviewed as part of a reinitiation of consultation and the Service determines it will adversely modify critical habitat?***

Regardless of whether or not critical habitat has been designated, we must still consider the effect a project may have on the continued existence or recovery of a listed species. When reviewing projects under section 7, we must determine if the proposed action is likely to “jeopardize the continued existence” of a species by asking the question “*will the project appreciably reduce the likelihood of the species’ survival and recovery?*” A project that will “destroy or adversely modify” critical habitat is one that will significantly reduce the value of critical habitat for the survival and recovery of the species. Since these standards are similar, it is highly unlikely that an activity that was reviewed and permitted by the Service under section 7 of the Act prior to the designation of critical habitat would be changed because critical habitat is now proposed for the area.

***Q. Will the public be given an opportunity to comment on proposed critical habitat for the Peninsular bighorn sheep?***

Yes. The Service wants to ensure that any final action resulting from this proposal will be as accurate and as effective as possible. We are actively soliciting comments or suggestions from the public, other government agencies, the scientific community, industry representatives, and any other interested party. In particular, we are seeking comments regarding:

- Ž How to deal with critical habitat within future HCPs;
- Ž Reasons why any habitat should or should not be designated as critical habitat, including whether the benefits will outweigh any threats to the species resulting from critical habitat designation;
- Ž Specific information on the number and distribution of bighorn sheep, what habitat is essential to the conservation of the species, and why it is essential;
- Ž Land use practices and current or planned activities in the proposed areas, and possible impacts of these actions on proposed critical habitat;
- Ž Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, in particular, impacts to small entities or families;
- Ž Economic or other values associated with critical habitat designation for bighorn sheep, such as those derived from non-consumptive uses (e.g., enhanced watershed protection, improved air quality, increased soil retention, existence values, and reductions in administrative costs).

The Service has also scheduled a public hearing to give citizens an opportunity to provide oral and written comments



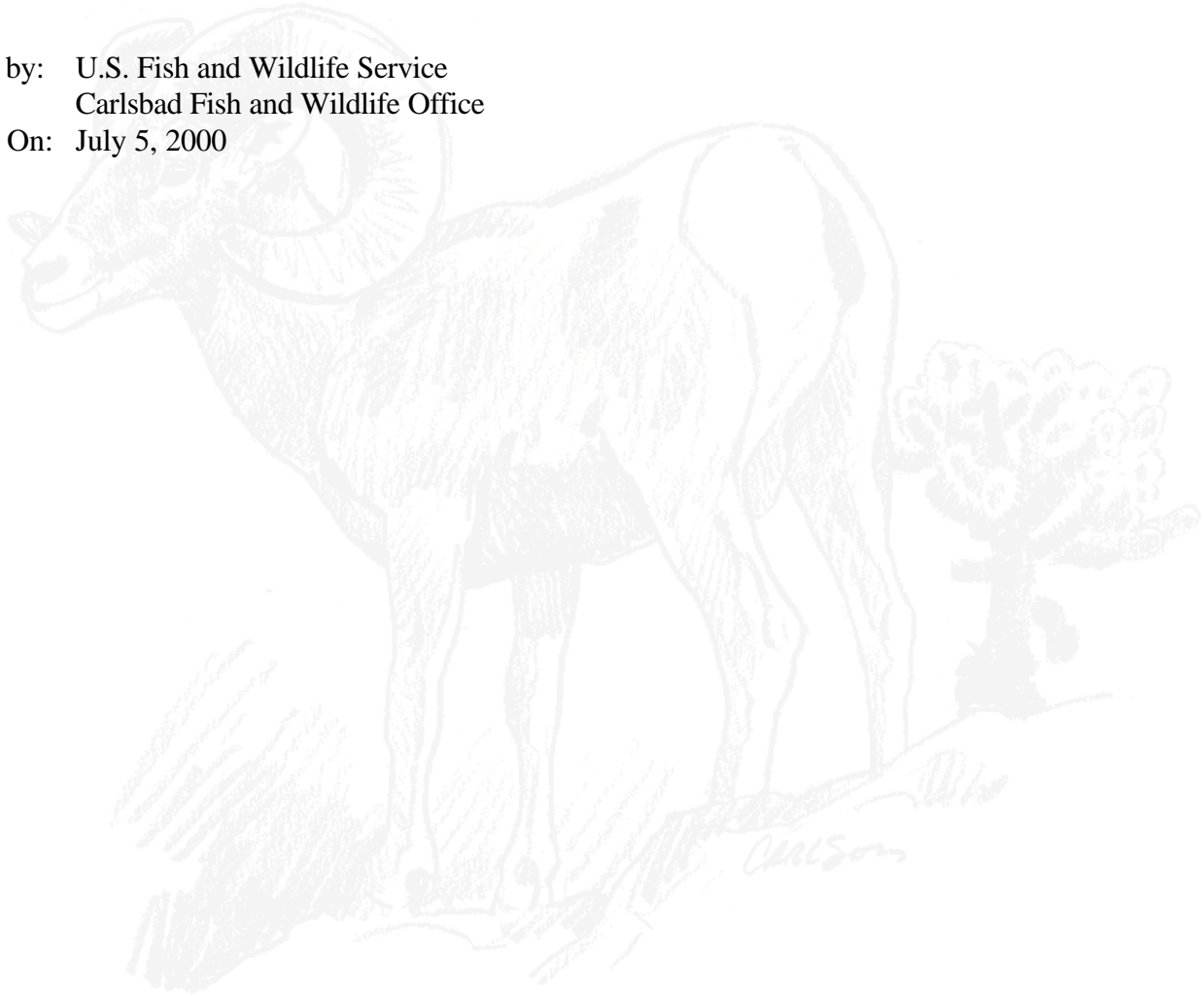
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on the proposed rule. The hearing is scheduled as follows: Thursday, July 20, 2000, from 1:00 to 3:00 p.m. and from 6:00 to 8:00 p.m. at the Wyndham Palm Springs Hotel, 888 E. Tahquitz Canyon Way, Palm Springs, California.

Written comments and information on the proposed designation of critical habitat for the Peninsular bighorn sheep will be accepted through August 31, 2000, and should be sent to Field Supervisor, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008.

All comments received, either written or oral, are given equal weight and will be considered during the decision-making process. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the Carlsbad Fish and Wildlife Office (phone: 760/431-9440).

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